

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANTONIO ADRIAN MINNIS, JR.,)
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Movant,)
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v.) No. 4:22-cv-00263-HEA
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UNITED STATES OF AMERICA,)
)
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Respondent.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on movant Antonio Adrian Minnis, Jr.’s motion to appoint counsel. For the following reasons, the motion will be denied without prejudice.

As movant states in his motion, there is neither a statutory nor constitutional right to appointed counsel in proceedings pursuant to 28 U.S.C. § 2255. *See Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987) (rejecting suggestions that a right to counsel on discretionary appeals be established, and explaining “that the right to appointed counsel extends to the first appeal of right, and no further”). Rather, the Court may appoint counsel in a § 2255 case if the interests of justice so require. *See* 28 U.S.C. § 2255(g); 18 U.S.C. § 3006A(a)(2)(B); and *Hoggard v. Purkett*, 29 F.3d 469, 471 (8th Cir. 1994) (stating that it has never “been held that there is a constitutional right to counsel in a habeas action” and that appointment of counsel is reviewed “for abuse of discretion”).

When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006). After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. Movant has demonstrated, at this point, that he can adequately present his claims to the Court. Additionally,

neither the factual nor the legal issues in this case appear to be complex. The Court will entertain future motions for appointment of counsel as the case progresses.

IT IS HEREBY ORDERED that movant's motion to appoint counsel is **DENIED without prejudice**. [ECF No. 2]

Dated this 30th day of March, 2022.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE